



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/714,283	11/17/2000	Kenya Uomori	0819.458	5525

20277 7590 02/21/2007
MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER

GOOD JOHNSON, MOTILEWA

ART UNIT	PAPER NUMBER
----------	--------------

2628

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/714,283

Applicant(s)

UOMORI ET AL.

Examiner

Motilewa Good-Johnson

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 21-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-18 and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada, U.S. Patent 5,331,419 in view of Watanabe et al.

Regarding claim 1, Watanabe discloses an image processor comprising: a display (10) which presents an image of an object thereon (figure 8, obtain image object) and an image synthesizer which generate a image (figure 8, generate synthetic image) representing a size at a position (figure 14, positional adjustment and size adjustment) specified on the image presented on the display (figure 14, mapping display and col. 3, lines 66-67) presented on the display in accordance with three-dimensional positional information of the object (figure 10, col. 3, lines 51-59) and for combining the scale image (figure 11) with the image of the object (figure 24), wherein a synthesized image, obtained by combining the scale image with the object image, is presented on the display (figure 23B)

However, it is noted that Morimoto to disclose representing a substantially real size, at a position specified on the image presented on the display.

Yamada discloses an image processor comprising: a display which presents an image of an object thereon; (figures 1, 5, 8 and 13, col. 3, lines 9-11) and an image synthesizer (col. 4, lines 21) which generates a scale image, (col. 4, lines 55-61) representing a substantially real size, (col. 3, lines 10-13) at a position specified on the image presented on the display (col. 4, lines 21-26)

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the synthesizing image of actual scenes in a three dimensional coordinate system, as disclosed by Watanabe, the real size display of objects as disclosed by Yamada, to enable the actual measurement of objects of an image to reproduce actual scene images with actual sizes.

Regarding claim 2, Watanabe discloses an imaging section (73) which captures the object image containing the three-dimensional positional information (col. 12, lines 45-62); and a range image generator which draws the three-dimensional positional information from the image captured by the imaging section (col. 12, lines 4-13)

Yamada discloses wherein the image synthesizer generates the scale image in accordance with the positional information obtained by the range image generator (col. 4, lines 21-61)

Regarding claim 3, Watanabe discloses the object image containing the three-dimensional positional information by receiving part (col. 13, lines 23-27)

However, it is noted that Watanabe fails to disclose imaging section comprises a light-emitting device that projects light with a predetermined radiation pattern on the object and captures of the light that has been projected onto, and then reflected from, the object.

Yamada discloses imaging section comprises a light-emitting device that projects light with a predetermined radiation pattern on the object (col. 18, lines 3-15) and captures of the light that has been projected onto, and then reflected from, the object (col. 18, lines 3-15)

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the synthesizing image of actual scenes in a three dimensional coordinate system, as disclosed by Watanabe, the real size display of objects as disclosed by Yamada further having light-emitting device, to enable the actual measurement of objects of an image to reproduce actual scene images with actual sizes in a camera type apparatus.

Regarding claim 4, Watanabe discloses the three-dimensional positional information is calculated using the focal distance and depth inputted and the screen coordinates (col. 13, lines 23-27)

However, it is noted that Watanabe fails to disclose an automation or manual focusing controller, wherein the image synthesizer generates the scale image by using data, obtained by the automatic or manual focusing controller.

Yamada discloses an imaging section having an automation or manual focusing controller (18), wherein the image synthesizer generates the scale image by using data, obtained by the automatic or manual focusing controller (col. 17, lines 48-57)

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the synthesizing image of actual scenes in a three dimensional coordinate system, as disclosed by Watanabe, the real size display of objects as disclosed by Yamada further have automatic or manual focusing, to enable the actual measurement of objects of an image to reproduce actual scene images with actual sizes in a camera type apparatus.

Regarding claim 5, Watanabe discloses the scale image can be any rectangular shape (figure 9). Watanabe fails to disclose the scale image represents the shape of a ruler.

Yamada discloses the scale image represents a shape of a ruler (figures 1, 5 and 8, col. 24, lines 49-51)

Regarding claim 6, Watanabe discloses an input device that is so constructed as to allow a user to externally input the specified position (col. 13, line 8)

Regarding claims 7 and 8, Watanabe discloses input device is a touch panel formed on the surface of the display (col. 13, lines 9-11, using the pointing device lines are drawn on the screen, which Examiner interprets as a touch panel) and the input

Art Unit: 2628

device is a pen like pointing device (12) that is so constructed as to allow the user to specify arbitrary coordinates on the surface of the display (col. 13, lines 13-14)

Regarding claim 9, Watanabe discloses an input device is a cursor key or press button (11, character input device such as keyboard) that allows the user to move a cursor presented on the display and to specify coordinates of the cursor (col. 15, lines 29-32)

Regarding claims 10 and 13, they are rejected based upon similar rational as above claims 1 and 2 respectively.

Regarding claim 11, Watanabe discloses image synthesizer combines the image of one of the objects . . . with another background image (col. 16, lines 3-8)

Regarding claim 12, Watanabe discloses image synthesizer cuts out an image portion, which is made up of pixels at respective locations . . . as the separated object image . . . (col. 15, lines 25-28)

Regarding claims 14 and 15, they are rejected based upon similar rational as above claims 3 and 4.

Regarding claim 16, Watanabe discloses image synthesizer is so constructed as to upscale, downscale at least one of the images (col. 16, lines 23-27)

Regarding 17, Watanabe discloses a processor . . . constructed as to allow a user to externally define or change relative positions of the images being combined (col. 15, lines 29-30)

Regarding claim 18, it is rejected based upon similar rational as above claim 1. Watanabe further discloses scaling the image up or down (col. 16, lines 23-27)

Regarding claims 21 and 22, Watanabe discloses the image synthesizer calculates the size of the object based on the image of the object (col. 16, lines 20-27)

Regarding claim 23, it is rejected based upon similar rational as independent claim 1. Yamada further discloses a number of images (col. 12, line 5-15) and further discloses calculating a scale in which objects are under in-focus condition (col. 15, line 47-64)

Regarding claims 24-26, Watanabe discloses the scale image and the image of the object are combined in accordance with the three-dimensional positional information of the object (figure 10)

Response to Arguments

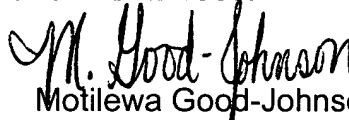
3. Applicant's arguments, see page 2, filed 11/21/2006, with respect to the rejection(s) of claim(s) 1-18 and 21-26 under 35 U.S.C. 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Watanabe et al. in view of Yamada et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Motilewa Good-Johnson whose telephone number is (571) 272-7658. The examiner can normally be reached on Monday, Tuesday and Wednesday 9:00 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on (571) 272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2628

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Motilewa Good-Johnson
Examiner
Art Unit 2628

mgj